

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Alain H. CURAUDEAU et al.

Application No./Patent No.: 10/588,419 Filed/Issue Date: October 15, 2007

Entitled: Photodynamic Therapy for the Treatment of Hyperactive Sebaceous Gland Disorders Using Topically Applied Hydrophobic Green Porphyrins

QLT Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____%
3. ☒ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 019987, Frame 0655, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

4. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

- ☒ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE]: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the United States Patent and Trademark Office. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Milan M. Vinnola

Typed or printed name

June 20, 2011

/Milan M. Vinnola/

Signature

Counsel of Record

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

Supplement to Statement Under 37 C.F.R. § 3.73(b)

Applicant/Patent Owner: Alain H. CURAUDEAU *et al.*

Application No./Patent No.: 10/588,419

Filed/Issue Date: October 15, 2007

Entitled: Photodynamic Therapy for the Treatment of Hyperactive Sebaceous Gland Disorders
Using Topically Applied Hydrophobic Green Porphyrins

Supplemental Sheet to Form PTO/SB/96, listing additional documents supporting the chain of title:

Petition to File Declaration on Behalf of Nonsigning Inventor Who Refuses to Sign Under 37 C.F.R. § 1.47(A), filed October 15, 2007, in U.S. Application No. 10/588,419

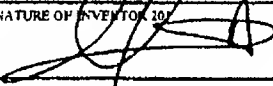


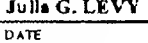

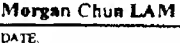
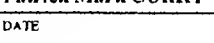
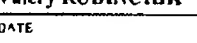
Declaration for Patent Application filed October 15, 2007, in U.S. Application No. 10/588,419

Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 mailed January 24, 2008, in U.S. Application No. 10/588,419, indicating that the Declaration filed October 15, 2007 had been accepted

Applicants note that power of attorney has been granted for the entire inventive entity by way of the recorded assignment to QLT Inc. and the acceptance of the October 15, 2007, Declaration. As such, it is submitted that the Applicants and Assignee have complied fully with the requirements under 37 C.F.R. § 1.36(a).

DECLARATION FOR PATENT APPLICATION (Includes Reference to PCT International Applications)	ATTORNEY'S DOCKET NUMBER 249692001700		
<p>As a below named inventor I hereby declare that:</p> <p>My residence, post office address and citizenship are as stated below next to my name.</p> <p>I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:</p> <p>PHOTODYNAMIC THERAPY FOR THE TREATMENT OF HYPERACTIVE SEBACEOUS GLAND DISORDERS USING TOPICALLY APPLIED HYDROPHOBIC GREEN PORPHYRINS</p> <p>the specification of which (check only one item below):</p> <p><input type="checkbox"/> is attached hereto.</p> <p><input type="checkbox"/> was filed as United States application</p> <p style="margin-left: 40px;">Serial No. * on * and was amended on * (if applicable).</p> <p><input checked="" type="checkbox"/> was filed as PCT international application</p> <p style="margin-left: 40px;">Number PCT/CA2005/000154 on February 8, 2005 and was amended under PCT Article 19 on * (if applicable).</p> <p>I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.</p> <p>I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37 Code of Federal Regulations § 1.56(a) and (b).</p> <p>I hereby claim foreign priority benefits under Title 35 United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:</p>			
PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119:			
COUNTRY (if PCT indicate "PCT")	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
CANADA	2,470,403	June 9, 2004	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
CANADA	2,457,214	February 6, 2004	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

Declaration for Patent Application (Continued) (Includes Reference to PCT International Applications)			ATTORNEY'S DOCKET NUMBER 249692001700		
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:					
PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120:					
U.S. APPLICATIONS			STATUS (Check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED	
PCT APPLICATIONS DESIGNATING THE U.S.			STATUS (Check one)		
PCT APPLICATION NUMBER	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED (if any)	PATENTED	PENDING	ABANDONED
PCT/CA2005/000141	February 4, 2005			Yes	
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)					
<u>CUSTOMER NO. 25225</u>					
Send correspondence to: Kate H. Murashige Morrison & Foerster LLP 12531 High Bluff Drive, Suite #100 San Diego, CA 92130				Direct telephone calls to: (858) 720-5112	
201	FULL NAME OF INVENTOR RESIDENCE & CITIZENSHIP POST OFFICE ADDRESS	FAMILY NAME CITY POST OFFICE ADDRESS	FIRST GIVEN NAME STATE OR FOREIGN COUNTRY CITY	SECOND GIVEN NAME COUNTRY OF CITIZENSHIP STATE & ZIP CODE/COUNTRY	
		CURAUDEAU West Vancouver 1785 Fulton Avenue	Alain British Columbia West Vancouver	H. FRANCE British Columbia, V7V 1S8, CANADA	
202	FULL NAME OF INVENTOR RESIDENCE & CITIZENSHIP POST OFFICE ADDRESS	FAMILY NAME CITY POST OFFICE ADDRESS	FIRST GIVEN NAME STATE OR FOREIGN COUNTRY CITY	SECOND GIVEN NAME COUNTRY OF CITIZENSHIP STATE & ZIP CODE/COUNTRY	
		NEYNDORFF Vancouver 1826 Grant Street	Henna British Columbia Vancouver	C. NETHERLANDS British Columbia, V5L 2Y8 CANADA	
203	FULL NAME OF INVENTOR RESIDENCE & CITIZENSHIP POST OFFICE ADDRESS	FAMILY NAME CITY POST OFFICE ADDRESS	FIRST GIVEN NAME STATE OR FOREIGN COUNTRY CITY	SECOND GIVEN NAME COUNTRY OF CITIZENSHIP STATE & ZIP CODE/COUNTRY	
		TAO Vancouver 2450 West 18th Avenue	Jing-Song British Columbia Vancouver	CANADA British Columbia V6L 1B1 CANADA	
204	FULL NAME OF INVENTOR RESIDENCE & CITIZENSHIP POST OFFICE ADDRESS	FAMILY NAME CITY POST OFFICE ADDRESS	FIRST GIVEN NAME STATE OR FOREIGN COUNTRY CITY	SECOND GIVEN NAME COUNTRY OF CITIZENSHIP STATE & ZIP CODE/COUNTRY	
		LEVY Vancouver #601 - 1490 Pennyfarthing Drive	Julia British Columbia Vancouver	G. CANADA British Columbia V6J 4Z3 CANADA	

201	FULL NAME OF INVENTOR	FAMILY NAME HUNT	FIRST GIVEN NAME David	SECOND GIVEN NAME W. C.
	RESIDENCE & CITIZENSHIP	CITY Surrey	STATE OR FOREIGN COUNTRY British Columbia	COUNTRY OF CITIZENSHIP CANADA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 12722 Beckett Road	CITY Surrey	STATE & ZIP CODE/COUNTRY British Columbia V4A 2X1 CANADA
200	FULL NAME OF INVENTOR	FAMILY NAME LAM	FIRST GIVEN NAME Morgan	SECOND GIVEN NAME Chun
	RESIDENCE & CITIZENSHIP	CITY Vancouver	STATE OR FOREIGN COUNTRY British Columbia	COUNTRY OF CITIZENSHIP CANADA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 3093-29th Avenue West	CITY Vancouver	STATE & ZIP CODE/COUNTRY British Columbia, V6L 1Y5 CANADA
207	FULL NAME OF INVENTOR	FAMILY NAME CURRY	FIRST GIVEN NAME Patrick	SECOND GIVEN NAME Mark
	RESIDENCE & CITIZENSHIP	CITY Vancouver	STATE OR FOREIGN COUNTRY British Columbia	COUNTRY OF CITIZENSHIP CANADA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 638 East 21st Avenue	CITY Vancouver	STATE & ZIP CODE/COUNTRY British Columbia, V5V 1R7 CANADA
208	FULL NAME OF INVENTOR	FAMILY NAME RUBINCHIK	FIRST GIVEN NAME Valery	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY Richmond	STATE OR FOREIGN COUNTRY British Columbia	COUNTRY OF CITIZENSHIP CANADA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 10493 Yarmish Drive	CITY Richmond	STATE & ZIP CODE/COUNTRY British Columbia, V7E 5L5 CANADA
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p>				
SIGNATURE OF INVENTOR 201		SIGNATURE OF INVENTOR 202		SIGNATURE OF INVENTOR 203
				
Alain H. CURAUDEAU		Herma C. NEYNDORFF		Jing-Song TAO
DATE JUL 17 2007		DATE		DATE
SIGNATURE OF INVENTOR 204		SIGNATURE OF INVENTOR 205		SIGNATURE OF INVENTOR 206
				
Julia G. LEVY		David W. C. HUNT		Morgan Chun LAM
DATE		DATE		DATE
SIGNATURE OF INVENTOR 207		SIGNATURE OF INVENTOR 208		
				
Patrick Mark CURRY		Valery RUBINCHIK		
DATE		DATE		

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SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
Alain H. CURAUDEAU	Herma C. NEYNDORFF	Jing-Song TAO
DATE	DATE Aug 7, 2007	DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
Julia G. LEVY	David W. C. HUNT	Morgan Chun LAM
DATE	DATE	DATE
SIGNATURE OF INVENTOR 207	SIGNATURE OF INVENTOR 208	
Patrick Mark CURRY	Valery RUBINCHIK	
DATE	DATE	

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Alain H. CURAUDEAU		Hermis C. NEYNDORFF		Jing-Song TAO
DATE		DATE		DATE Aug 20 07
SIGNATURE OF INVENTOR 204		SIGNATURE OF INVENTOR 205		SIGNATURE OF INVENTOR 206
Julia G. LEVY		David W. C. HUNT		Morgan Chun LAM
DATE		DATE		DATE
SIGNATURE OF INVENTOR 207		SIGNATURE OF INVENTOR 208		
Patrick Mark CURRY		Valery RUBINCHIK		
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Alain H. CURAUDEAU		Herma C. NEYNDORFF		Jing-Song TAO
DATE		DATE		DATE
SIGNATURE OF INVENTOR 204		SIGNATURE OF INVENTOR 205		SIGNATURE OF INVENTOR 206
Julia G. LEVY		David W. C. HUNT		Morgan Chun LAM
DATE August 8, 2007		DATE		DATE
SIGNATURE OF INVENTOR 207		SIGNATURE OF INVENTOR 208		
Patrick Mark CURRY		Valery RUBINCHIK		
DATE		DATE		

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Alain H. CURAUDEAU	Herna C. NEYNDORFF	Jing-Song TAO
DATE	DATE	DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
Julia G. LEVY	David W. C. HUNT	Morgan Chun LAM
DATE	DATE July 19/2007	DATE
SIGNATURE OF INVENTOR 207	SIGNATURE OF INVENTOR 208	
Patrick Mark CURRY	Valery RUBINCHIK	
DATE	DATE	

Docket No.: 249692001700
 Application No.: 10/588,419
 PATENT

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DATE	DATE	DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
Julia G. LEVY	David W. C. HUNT	 Morgan Chun LAM
DATE	DATE	DATE August 11, 2007
SIGNATURE OF INVENTOR 207	SIGNATURE OF INVENTOR 208	
Patrick Mark CURRY	Valery RUBINCHIK	
DATE	DATE	

COPY

Docket No.: 249692001700
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Alain H. CURAUDEAU et al.

Serial No.: 10/588,419

Filing Date: (Int'l.) February 8, 2005

For: PHOTODYNAMIC THERAPY FOR THE
TREATMENT OF HYPERACTIVE
SEBACEOUS GLAND DISORDERS
USING TOPICALLY APPLIED
HYDROPHOBIC GREEN PORPHYRINS

Confirmation No.: 8347

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

**PETITION TO FILE DECLARATION ON BEHALF OF NONSIGNING INVENTOR WHO
REFUSES TO SIGN UNDER 37 C.F.R. § 1.47(A)**

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In order to comply with a Notice to File Missing Requirement mailed 15 March 2007 with a response due 15 October 2007, the real party in interest, assignee QLT, Inc., hereby petitions the Commissioner to complete this application on its behalf without signature of joint inventor Patrick Mark Curry who refuses to join in the application, under the provisions of 37 C.F.R. §1.47(a).

Attached hereto is:

1. A declaration under 37 C.F.R. § 1.47(a) herein signed by Vandhana Misri, an employee of QLT, Inc., the real party in interest as assignee of the above-referenced patent application.

- ☐ A check for the required fee under 37 C.F.R. § 1.17(i) is submitted herewith.
- ☒ The Commissioner is hereby authorized to charge the required fee under 37 C.F.R. § 1.17(g) to **Deposit Account No. 03-1952** referencing Docket No. 249692001700.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper or credit any overpayment to **Deposit Account No. 03-1952**.

The enclosed papers are believed to be in compliance with 37 C.F.R. 1.47(a).

Petitioners request the Commissioner to grant this petition and to perfect the filing of this application by acceptance of the accompanying documents.

Dated: October 15, 2007

Respectfully submitted,

By /Kate H. Murashige/
Kate H. Murashige
Registration No.: 29,959
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COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/588,419	Alain H. Curaudeau	249692001700

25225
MORRISON & FOERSTER LLP
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INTERNATIONAL APPLICATION NO.

PCT/CA05/00154

I.A. FILING DATE	PRIORITY DATE
02/08/2005	02/06/2004

CONFIRMATION NO. 8347
371 ACCEPTANCE LETTER



OC000000027783254

Date Mailed: 01/24/2008

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

10/15/2007
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1),
(c)(2) and (c)(4) REQUIREMENTS

10/15/2007
DATE OF COMPLETION OF ALL
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 08/04/2006
- Copy of the International Search Report filed on 08/04/2006
- Preliminary Amendments filed on 08/04/2006
- Information Disclosure Statements filed on 10/27/2006
- Oath or Declaration filed on 10/15/2007
- U.S. Basic National Fees filed on 08/04/2006
- Priority Documents filed on 08/04/2006

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227